

**ALTUS CITY COUNCIL MEETING
MINUTES
AUGUST 18, 2015**

1. CALL TO ORDER

The City Council of Altus, Jackson County met in regular session Tuesday, August 18, 2015 at 4:11 p.m. in the Council Chambers of City Hall. Notice of the agenda was duly filed and posted in the office of the City Clerk, August 13, 2015 at 8:33 a.m.

2. ROLL CALL

The Clerk's roll call indicated the following members present:

Jack Smiley - Mayor
Presiding

Rick Henry	Jon Kidwell
Jason Winters	Kevin McAuliffe
Dwayne Martin	Doyle Jencks

Absent: Perry Shelton, Chris Riffle

Also Present: David Fuqua, Catherine Coke, Debbie Davis, Donita Beers, Linda Walker, Kenny Combs, Ken Pike, Jerry Gibson, Daniel Adams, Steve Perry, Kyle Davis, Fire Marshall, Janice Berryhill, Phillip Beauchamp, Dennis & Angie Murphy, Tracy Abbott, Barbara Burleson, Tim Murphy, Dan Scott and other public.

3. COMMENTS FROM AUDIENCE

None

4. CONSIDER THE CONSENT AGENDA LISTED BELOW AND VOTE TO APPROVE THE MINUTES OR APPROVE WITH ANY CHANGES AS NOTED.

- A. APPROVE MINUTES FOR ALTUS CITY COUNCIL MEETING ON AUGUST 4, 2015.**
- B. RECEIVE AND ACKNOWLEDGE RECEIPT OF CLAIMS LIST**
- C. ACKNOWLEDGE MONTHLY REPORTS AND MINUTES AS FOLLOWS:**

**FLEET MAINTENANCE FUEL REPORT - A
SOUTHERN PRAIRIE LIBRARY SYSTEM - B**

Motion made by KIDWELL and seconded by McAULIFFE to approve the Consent Agenda.

The Mayor called for the vote recorded as follows:

AYE: Jencks, Henry, McAuliffe, Kidwell, Martin, Winters, Smiley

NAY: None

Motion carried 7-0

5. CONSIDER, DISCUSS AND VOTE TO WAIVE THE COST OF ELECTRICITY FOR THE HISPANIC HERITAGE COMMITTEE'S CELEBRATION FESTIVAL, DEPENDENT ON APPROVAL FROM THE JACKSON COUNTY COMMISSIONERS, FOR A COST THAT SHOULD NOT BE MORE THAN \$100.00, OR TAKE ANY OTHER APPROPRIATE ACTION.

BACKGROUND: This event is celebrating the history of Hispanic culture in the United States with military and civilian attendance on October 9, 2015 from 4:00 to 9:00 p.m.; contingent upon approval from the Jackson County Commission when they meet on Monday, August 17, 2015 for approval to hold the event in the north parking lot of the Jackson County Courthouse.

The Mayor removed this item from the agenda.

6. CONSIDER, DISCUSS AND VOTE TO REMOVE THE ORDER OF DEMOLITION AND NOTICE OF DILAPIDATION AND LIEN FILED ON JULY 8, 2015 AGAINST J. WES PROPERTIES, PROPERTY OWNER, OF 801 NORTH WILLARD, DBC 15-14 AND/OR TAKE ANY OTHER APPROPRIATE ACTION. [Property owner appeals DBC Order to City Council].

BACKGROUND: J. Wes Properties, property owner of 801 N. Willard, DBC 15-14, appeals to the City Council to rescind the Order of Demolition and Notice of Dilapidation and Lien filed by the City to remove the dilapidated building at 801 N. Willard. The property was posted on May 6, 2015 after a fire had occurred in the residence. The owner was notified the property had been posted as an unsecured building and a possible dilapidated building. The property owner was notified by mail to attend the June 8, 2015 Dilapidated Building Commission meeting. During the June 8th hearing, the DBC found the building on 801 N. Willard to be a dilapidated building and recommended abatement of the building. An Order of Demolition and Notice of Dilapidation and Lien was filed with the Jackson County Court Clerk on July 8, 2015. The property owner was notified by mail of the DBC decision and copy of the Order of Demolition and Notice of Dilapidation and Lien.

J. Wes Properties, was also notified of their right to appeal the decision of the DBC against the property at 801 N. Willard./ On July 17, 2015, the Planning Department received notice from Wade Hudson of J.Wes Properties that they wanted to appeal to the City Council to reverse the DBC decision. The property owner sated they received the notice of the DBC hearing after the meeting had occurred. They intend to rehab the property, which was damaged as the result of a fire and were going to invest the amount the money needed to bring the property up to code. The current property owners purchased the property approximately one year ago after the fire.

The property owner was given a Structure Rehabilitation Plan to complete and turned it into the Planning Department on August 10, 2015. The plan totals \$22,000.00 for material and labor. The estimated completion time is eight months. After review of the rehab plan, the Planning Department recommends the Council rescind the Order of Demolition and Notice of Dilapidation and Lien. The property owner was notified by mail that their appeal to Council would be on the August 18, 2015 agenda.

The 801 N. Willard property was posted by Code Enforcement on 5-7-2015 and 5-17-15 for weeds and grass over 12". The property owner mowed the yard both times. The Planning Department received a citizen complaint about the property on August 11, 2015. The property owner was contacted by the Planning Director about the length of time they estimated to have the property rehabbed. The owner said that was an estimate and they could get it done sooner. The owner was told about the citizen complaint from someone who lives on the block and the owner stated they would start right away and clean up the property.

This item presented by Barbara Burleson, Planning Director

Motion made by HENRY and seconded by KIDWELL to go with staff recommendation (to rescind the Order of Demolition and Notice of Dilapidation and Lien filed on July 8, 2015.

The Mayor called for the vote recorded as follows:

AYE: Winters, Martin, Jencks, Kidwell, McAuliffe, Henry, Smiley

NAY: None

Motion carried 7-0

7. CONSIDER, DISCUSS AND VOTE TO REMOVE THE ORDER OF DEMOLITION AND NOTICE OF DILAPIDATION AND LIEN FILED ON APRIL 20, 2015 AGAINST THE PROPERTY OWNER OF 208 S. LEE STREET, DBC-10-10 AND/OR TAKE ANY OTHER APPROPRIATE ACTION. [Property owner appeals DBC Order to City Council].

BACKGROUND: This item was tabled during the July 21, 2015 Council meeting to the August 4th meeting to allow the property owner additional time to complete his Structure Rehabilitation Plan and meet with the Planning Department. The property owner, Joe De La Rosa, met with Planning Department to review his plan. On July 29, 2015, the Planning Director and Building and Electrical Inspectors met with Mr. De La Rosa to review his plan. The plan included estimated material costs without any labor costs with the exception of electrical and plumbing work. The estimated material costs were low and Mr. De La Rosa explained that he has been buying material to rehab the property, such as bathroom fixtures, windows, sheet rock and other building materials, which are stored. The electrical estimate for the property was low for a complete re-wire of the building. Mr. De La Rosa was told that he only needed to heat the structure to meet building codes. The property owner stated he intended to use the 2nd floor for apartments. E was informed by the Building Inspector that he would be required to ut fire suppression in to meet fire codes. He had not planned on this cost and needed additional time to complete his Structure Rehabilitation Plan.

The property owner was notified by mail that the Planning Director would update City Council during the August 4th meeting that he needed additional time to look into the se of the 2nd floor for apartments and fire suppression costs/. The Planning Department has not been contacted by Mr. De La Rosa since the meeting on July 29, 2015. He was also notified by mail that his appeal would be on the August 18th Council agenda. Photos of the property will be shown during the Council meeting

This item presented by Barbara Burleson, Planning Director

The owner explained his position with the property. Discussion continued.

Motion made by HENRY to remove the Order of Demolition.

Motion died for lack of second.

Continued discussion.

Motion made by KIDWELL and seconded by McAULIFFE to leave the property on the existing Demolition list and proceed as prescribed.

The Mayor called for the vote recorded as follows:.

AYE: Martin, Jencks, Kidwell, McAuliffe, Smiley

NAY: Henry

Motion carried 5-1

Jason Winters was out of the room.

8. CONSIDER, DISCUSS AND VOTE TO APPROVE AN AGREEMENT BETWEEN THE CITY OF ALTUS AND GEORGE NASSANEY, NASSANEY LAND COMPANY, LLC, DEVELOPER, TO ALLOW ACCESS INTO A PROPOSED ADDITION ON A RIGHT-OF-WAY ON CITY PROPERTY LOCATED ON THE SOUTHEAST CORNER OF PROPOSED ADDITION, FOR THE DEVELOPMENT OF A PLANNED DISTRICT HOUSING ADDITION WITH SINGLE-FAMILY HOUSING UNITS. THE NEW ROADWAY WILL CONNECT WITH THE EXISTING CLEVELAND STREET IN UNIVERSITY HEIGHTS ADDITION, OR TAKE ANY OTHER APPROPRIATE ACTION.

BACKGROUND: George Nassaney, Nassaney Land Company, LLC, developer proposed to develop an approximate thirty acre trat in southeast Altus for single-family housing units. The addition will be developed using Planned District Housing Types contained in the Unified Development code, Art. 3 Sec. 3.303. The proposed addition will provide approximately sixty housing units from 1350.0 sf to 1600.0 sf. The addition was initiated by the need for additional

housing for the Altus Air Force Base personnel arriving for the new KC-46A program. Two means of egress are required for subdivisions and the developer access from Falcon Road on the north and a right-of-way over the City property located on the southeast corner of proposed addition. The roadway will connect with the existing Cleveland Street in University Heights Addition. The housing units will be “total electric” with installation and service provided by Altus Power. The addition will not contain alleys and trash service will be provided by “poly-carts”.

This item presented by Barbara Burleson, Planning Director

Motion made by MARTIN and seconded by JENCKS to approve an Agreement between the City of Altus and George Nassaney, Nassaney Land Company, LLC, developer, to allow access into a proposed addition on a right-of-way on City property connecting the existing Cleveland Street in University Heights Addition.

Councilman MARTIN amended his motion to include changes to the Agreement outlined between the developer and the Electrical Superintendent. Councilman JENCKS also seconded the amended portion.

The Mayor called for the vote recorded as follows:

AYE: Henry, Martin, Jencks, McAuliffe, Winters, Kidwell, Smiley

NAY: None

Motion carried 7-0

9. CONSIDER, DISCUSS ALTUS CMO PLAN FROM OMRF AND VOTE TO APPROVE THE FOLLOWING, OR TAKE ANY OTHER APPROPRIATE ACTION

(1) OMRF Ordinance No. 2015-13 adopting a Revised and Restated Employee Retirement System, amending the Defined Contribution (DC) Plan for the position of Assistant City Manager for the City of Altus, Oklahoma, with a Joinder Agreement attached as Exhibit “A” and the Amended and Restated Defined Contribution Plan attached as Exhibit “B”, with the effective date of October 1, 2015; and

(2) CITY Ordinance No. 2015-14 amending Section 22-7 of the Altus Code by adding subsection (a)(11) to add Amendment No. 11 to the Defined Contribution (DC) Plan with the OMRF, for the position of Assistant City Manager for the City of Altus, Oklahoma, adding IRS required changes and adding changes necessary to allow for a daily record keeping platform, with a Joinder Agreement attached as Exhibit “A” and the Amended Defined Contribution Plan, attached as Exhibit “B” to the OMRF Ordinance No. 2015-14, as passed and approved on August 18, 2015, to be effective October 1, 2015.

BACKGROUND: This is a follow-up agenda item to Resolution NO. 2015-07, requested by OMRF and approved by the Altus City Council on April 7, 2015. This amendment to the DC Assistant City Manager Plan makes IRS required changes and those changes that allow for daily valuations and daily accounting for assets and daily valuation of participants accounts./ This time it will not be an emergency ordinance. It takes effect October 1, 2015.

This item presented by Catherine Coke, City Attorney

Motion made by McAULIFFE and seconded by KIDWELL to approve the Altus CMO Plan Ordinances No. 2015-13 and No. 2015-14.

The Mayor called for the vote recorded as follows:

AYE: Jencks, Henry, McAuliffe, Kidwell, Winters, Martin, Smiley

NAY: None

Motion carried 7-0

10. CONSIDER, DISCUSS ALTUS CMO PLAN FROM OMRF AND VOTE TO APPROVE THE FOLLOWING, OR TAKE ANY OTHER APPROPRIATE ACTION:

(1) OMRF Ordinance No 2015-15 adopting a Revised and Restated Employee Retirement System, amending the Defined Contribution (DC) Plan for the position of City Manager for the City of Altus, Oklahoma, with a Joinder Agreement attached as Exhibit "A" and the Amended and Restated Defined Contribution Plan attached as Exhibit "B" with the effective date of October 1, 2015; and

(2) CITY Ordinance No. 2015-16 amending Section 22-7 of the Altus Code by adding subsection (a)(12) to add Amendment No. 12 to the Defined Contribution (DC) Plan with the OMRF, for the position of City Manager for the City of Altus, Oklahoma, adding IRS required changes and adding changes necessary to allow for a daily record keeping platform, with a Joinder Agreement attached as Exhibit "A" and the Amended and Restated Defined Contribution Plan, attached as Exhibit "B" to the OMRF Ordinance No. 2015-16, as passed and approved on August 18, 2015, to be effective October 1, 2015.

BACKGROUND: This is a follow-up agenda item to Resolution No. 2015-07, requested by OMRF and approved by the Altus City Council in April 7, 2015. This amendment to the DC City Manager Plan makes IRS required changes and those changes that allow for daily valuations and daily accounting for assets and daily valuation of participants accounts. This time it will not be an emergency ordinance. It takes effect October 1, 2015.

This item presented by Catherine Coke, City Attorney

Motion made by McAULIFFE and seconded by KIDWELL to approve the Altus CMO Plan Ordinances No. 2015-15 and No. 2015-16.

The Mayor called for the vote recorded as follows:

AYE: Jencks, Henry, McAuliffe, Kidwell, Winters, Martin, Smiley

NAY: None

Motion carried 7-0

11. CONSIDER, DISCUSS ALTUS DC PLAN FROM OMRF AND VOTE TO APPROVE THE FOLLOWING, OR TAKE ANY OTHER APPROPRIATE ACTION:

(1) OMRF Ordinance No. 2015-17 adopting a Revised and Restated Employee Retirement System, amending the Defined Contribution (DC) Plan for the position of Eligible Employees of the City of Altus, Oklahoma, with a Joinder Agreement attached as Exhibit "A" and the Amended and Restated Defined Contribution Plan attached as Exhibit "B" with the effective date of October 1, 2015 and

(2) CITY Ordinance No. 2015-18 amending Section 22-7 of the Altus Code by adding subsection (a)(13) to add Amendment No. 13 to the Defined Contribution (DC) Plan with the OMRF, for the eligible employees of the City of Altus, Oklahoma, adding IRS required changes and adding changes necessary to allow for a daily record keeping platform, with a Joinder Agreement attached as Exhibit "A" and the Amended and Restated Defined Contribution plan, attached as "Exhibit "B" to the OMRF Ordinance No. 2015-18, as passed and approved on August 18, 2015, to be effective October 1, 2015.

BACKGROUND: This is a follow-up agenda item to Resolution No. 2015-07, requested by OMRF and approved by the Altus City Council on April 7, 2015. This amendment to the DC City Eligible Employees Plan makes IRS required changes and those changes that allow for daily valuations and daily accounting for assets and daily valuation of participants accounts. This time it will not be an emergency ordinance. It takes effect October 1, 2015.

This item presented by Catherine Coke, City Attorney

Motion made by McAULIFFE and seconded by KIDWELL to approve the Altus CMO Plan Ordinances No. 2015-17 and No. 2015-18.

The Mayor called for the vote recorded as follows:

AYE: Jencks, Henry, McAuliffe, Kidwell, Winters, Martin, Smiley

NAY: None

Motion carried 7-0

12. CONSIDER, DISCUSS AND VOTE TO APPROVE RESOLUTION NO. 2015-35 CASTING ONE VOTE, TO FILL THE TRUSTEE POSITION, REPRESENTING DISTRICT 7 ON THE OKLAHOMA MUNICIPAL RETIREMENT FUND BOARD OF TRUSTEES, OR TAKE ANY OTHER APPROPRIATE ACTION.

BACKGROUND: The governing body of each employer that participates in the Oklahoma Municipal Retirement Fund is entitled to cast by resolution one vote for the office of OkMRF Trustee-at-large, representing District 7, to fill the expiring term; no vote can be split or cast in any fraction or part of the whole; the authorized Agent indicates the results of the ballot and returns the ballot to the Trust Administrator between July 20, 2015 and August 30, 2015.

This item presented by Catherine Coke, City Attorney

Motion made by KIDWELL and seconded by JENCKS to approve Resolution No. 2015-35 and select Mark Skiles as our elected representative for District 7, on the Oklahoma Municipal Retirement Fund Board of Trustees.

The Mayor called for the vote recorded as follows:

AYE: Henry, Martin, Jencks, Kidwell, Winters, McAuliffe, Smiley

NAY: None

Motion carried 7-0

13. VOTE TO GO INTO EXECUTIVE SESS AND RECORD AND VOTE ACCORDINGLY.

Motion made by HENRY and seconded by JENCKS to go into Executive Session at 7:02 p.m.

The Mayor called for the vote recorded as follows:

AYE: Jencks, Henry, McAuliffe, Winters, Kidwell, Martin, Smiley

NAY: None

Motion carried 7-0

**EXECUTIVE SESSION ITEM(S):
7:02 P.M. TO 7:41 P.M.**

14. CONSIDERATION AND POSSIBLE ACTION REGARDING THE HOLDING OF AN EXECUTIVE SESSION REGARDING CONFIDENTIAL COMMUNICATIONS BETWEEN A PUBLIC BODY AND ITS ATTORNEY CONCERNING A PENDING INVESTIGATION, CLAIM OR ACTION IF THE PUBLIC BODY, WITH THE ADVICE OF ITS ATTORNEY, DETERMINES THAT DISCLOSURE WILL SERIOUSLY IMPAIR THE ABILITY OF THE PUBLIC BODY TO PROCESS THE CLAIMS OR CONDUCTING A PENDING INVESTIGATION, LITIGATION OR PROCEEDING IN THE PUBLIC INTEREST, AS AUTHORIZED IN SECTION 307 (4) OF TITLE 25 O.S.A.

15. CONSIDER AND POSSIBLE VOTE TO GO INTO EXECUTIVE SESSION TO DISCUSS THE PURCHASE OR APPRAISAL OF REAL PROPERTY AND IN OPEN SESSION VOTE TO TAKE ANY APPROPRIATE ACTION, AS AUTHORIZED IN SECTION 307(3) OF TITLE 25 O.S.A.

16. CONSIDER, DISCUSS AND VOTE TO PAY OR DENY A 2013 TORT CLAIM FILED BY DANIEL SCOTT FOR LEGAL FEES ACQUIRED IN 2012 FOR THE AMOUNT OF \$15,000.00. THIS TORT CLAIM WAS NOT PRESENTED TO CITY COUNCIL IN 2013 WHEN ALL OTHER TORT CLAIMS AT THAT WERE.

17. CONSIDER ANY MOTIONS AND VOTES RELATING TO THE EXECUTIVE SESSION ITEM(S).

None

OUT OF EXECUTIVE SESSION AT 7:41 P.M.

ITEM # 14

Update Only

ITEM #15

Motion made by MARTIN and seconded by WINTERS to authorize the Mayor and City Manager to negotiate and execute a real estate purchase contract as discussed in the Executive session.

The Mayor called for the vote recorded as follows:

AYE: Jencks, Henry, McAuliffe, Winters, Martin, Kidwell, Smiley

NAY: None

Motion carried 7-0

Motion made by MARTIN and seconded by KIDWELL to authorize the Mayor and City Manager to negotiate on an additional parcel of land as discussed in Executive session.

The Mayor called for the vote recorded as follows:

AYE: Jencks, Henry, McAuliffe, Winters, Martin, Kidwell, Smiley

NAY: None

Motion carried 7-0

ITEM #16

No Action Taken

18. REVIEW, DISCUSS AND POSSIBLE ACTION ON OTHER NEW BUSINESS IF ANY, WHICH HAS ARISEN SINCE THE POSTING OF THE AGENDA AND WHICH COULD NOT HAVE BEEN REASONABLY FORESEEN PRIOR TO POSTING OF THE AGENDA. (25 O.S.A., SECTION 3-111 (9)).

None

19. MAYOR'S APPOINTMENTS:

Board of Adjustment - Scot Simco - New Member

Heath Sirmons, Jim Norris - Re-appointments

Planning Commission - John Bailey - Re-appointment

Merit System Board - Rodger Kerr, Richard Pope, Lisa Greenlee - New Members

Motion made by JENCKS and seconded by KIDWELL to approve the appointees of Mayor Smiley.

The Mayor called for the vote recorded as follows:

AYE: Jencks, Henry, McAuliffe, Winters, Martin, Kidwell, Smiley
NAY: None
Motion carried 7-0

20. ADJOURN 7:50 P.M.

Jack Smiley, Mayor

Debbie Davis, City Clerk/Treasurer